



# Affirmative Action Program

# 2015 EEO OFFICERS ANNUAL ON-LINE TRAINING

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ORDER TO COMPLETE THE TRAINING SESSION AT YOUR OWN  
PACE.



# POST TRAINING ASSESSMENT NOTICE

- The Federal Highway Safety Administration requires TDOT to provide training to contractor's EEO Officers on a yearly basis.
- Upon completion of this training session, a post training assessment is required to verify and document that the training has been successfully accomplished.
- The link provided on the slide at the end of this presentation will take you directly to the assessment. If the link does not work, you can copy and paste it in your browser in order to access the site.

# TDOT'S POSITION STATEMENT

**Every** employee and representative of TDOT shall perform all official EEO actions in an affirmative manner, and in full accord with applicable statutes, executive orders, regulations and policies, in both TDOT's workforce and in the workforce of contractors, subcontractors, vendors and material suppliers engaged in the performance of Federal-Aid Highway Construction contracts.

# TRAINING OBJECTIVE

To assist contractors in complying with Federal EEO contractual mandates related to employment Federal-Aid Highway Construction Projects.

# PRIMARY AUTHORITIES

Executive Order (E.O.) 11246.

41 CFR 60.

Goals and Standard Federal EEO Construction  
Contract Specifications.

TN Contract Special Provision 1230.

TN Contract Special Provisions 1231 & 1232.

23 USC 140 – Federal-Aid Highway Act of 1968.

23 CFR 230 - Subparts A, B, C and D.

23 CFR 635 - Subpart A.

FHWA 1273.



*Alternative Access  
Small Business Development  
TMDA*

# 41 CFR 60-4

- 60-4.2(d) sets the goals and timetables for each construction trade.
- 60-4.3 includes the sixteen primary “Standard Federal EEO Construction Contract Specifications.”
- The following Standard EEO/AA Specifications apply to all Contractors and Subcontractors at any tier.

# **SPECIFICATION # 1**

## **(41 CFR 60-4.3(A)7.A.)**

- ✓ **Contractors and subcontractors must maintain a work environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the employees are assigned.**
- ✓ **Contractors and subcontractors should take specific steps to ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the company's contractual obligation to maintain such a working environment.**

# **SPECIFICATION # 2**

## **(41 CFR 60-4.3(A)7.B.)**

- ✓ **Contractors and subcontractors must establish and maintain current lists of minority and female recruitment sources; provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available; and maintain a record of the organizations' responses.**



# **SPECIFICATION # 3**

## **(41 CFR 60-4.3(A)7.C.)**

- ✓ Contractors and subcontractors must maintain an applicant log on current files containing the names, addresses and telephone numbers of each minority or female off-the-street applicant and minority or female referral from a union, recruitment source or community organization and of what action was taken with respect to each individual.
- ✓ Records are to be retained for 3 years and made available for inspection.

# **SPECIFICATION # 4**

## **(41 CFR 60-4.3(A)7.D.)**

- ✓ Contractors and subcontractors must immediately notify the Deputy Assistant Secretary in writing when the union or unions with which the contractor/subcontractor has a collective bargaining agreement has not referred a female or minority individual sent by the contractor/subcontractor.
- ✓ Similarly, contractors/subcontractors must notify the Office of Federal Contract Compliance Programs when the contractor/subcontractor has other information that the union referral process has impeded the contractor's efforts to meet it's EEO and affirmative action obligations.

# SPECIFICATION # 5

## (41 CFR 60-4.3(A)7.E.)

- ✓ Contractors and subcontractors must develop on-the-job training opportunities or participate in training programs for the job area(s) which expressly include minorities and females.
- ✓ Actions must include upgrading programs, apprenticeships, and trainee programs relevant to the contractor's employment needs, especially those programs approved by the Department of Labor.
- ✓ Training Special Provisions contained in select contracts supersede this requirement for those select contracts only.

# **SPECIFICATION # 6**

## **(41 CFR 60-4.3(A)7.F.)**

- ✓ Contractors and subcontractors must disseminate EEO policies by:
  1. Providing notice of the policies to unions and training programs and requesting their cooperation;
  2. Including EEO policy statements in all policy manuals and collective bargaining agreements;
  3. Publicizing these policies in company newsletters, annual reports, etc.;
  4. Reviewing the policy with all management personnel and with all employees at least once a year;
  5. Posting the EEO Policy on bulletin boards accessible to all employees at each location where construction work is performed;
  6. The contractor must utilize every effort possible to ensure their compiled EEO policy is disseminated throughout their workforce and the agencies they interact with in daily operations.

# SPECIFICATION # 7

## (41 CFR 60-4.3(A)7.G.)

- ✓ At least once a year, contractors and subcontractors must review EEO policies and affirmative action obligations with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions.
- ✓ The EEO policies and affirmative action obligations must be specifically reviewed with on-site supervisory personnel such as superintendents, general foremen, etc., prior to starting construction work at any job site.
- ✓ Contractor/subcontractor personnel must maintain records that identify the time and place of these meetings, persons attending, subject matter discussed and disposition of the subject matter.

# **SPECIFICATION # 8**

## **(41 CFR 60-4.3(A)7.H.)**

- ✓ Contractors and subcontractors must disseminate EEO policies externally by including the notation “An Equal Opportunity Employer” in any advertisement in the news media (including minority and female news media).

# **SPECIFICATION # 9**

## **(41 CFR 60-4.3(A)7.I.)**

- ✓ Contractors and subcontractors must direct recruitment efforts, both oral and written, to minority, female and community organizations; to schools with minority and female students and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs.
- ✓ Send letters/notices to recruitment sources for females and minorities announcing, acceptance of applications for apprenticeship or other training.

# **SPECIFICATION # 10**

## **(41 CFR 60-4.3(A)7.J.)**

- ✓ Contractors and subcontractors must encourage current minority and female employees to recruit other minorities and females and, where reasonable, provide after school, summer and vacation employment to minority and female youth both at the work site and in other areas of the contractor's work force.



# **SPECIFICATION # 11**

## **(41 CFR 60-4.3(A)7.K.)**

- ✓ Contractor's and subcontractors must validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

# **SPECIFICATION # 12**

## **(41 CFR 60-4.3(A)7.L.)**

- ✓ At least once a year, contractors and subcontractors must evaluate and document all minority and female personnel for promotional opportunities.
- ✓ Contractors and subcontractors must encourage minority and female employees to seek or prepare for promotional opportunities through appropriate training.

# SPECIFICATION # 13

## (41 CFR 60-4.3(A)7.M.)

- ✓ Contractors and subcontractors must ensure that seniority practices, job classifications, work assignments, and other personnel practices **do not** have a discriminatory effect by continuing to monitor all personnel employment and related activities to ensure that EEO Policies obligations under the contract specifications are being carried out.

# SPECIFICATION # 14

## (41 CFR 60-4.3(A)7.N.)

- ✓ Contractors and subcontractors must ensure that all facilities and company activities are non-segregated except separate or single-user toilets and necessary changing facilities designed to assure privacy between the sexes shall be provided.



- ✓ Reserved disability parking spaces to provide worksite accessibility are allowed.

# **SPECIFICATION # 15**

## **(41 CFR 60-4.3(A)7.0.)**

- ✓ **Contractors and subcontractors must document and maintain records of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.**

# **SPECIFICATION # 16**

## **(41 CFR 60-4.3(A)7.P.)**

- ✓ At least once a year, contractors and subcontractors must conduct a review of all supervisors' adherence to and the performance under the company's EEO policies and affirmative action obligations.

# 23 USC 140 (FHWA – 1273)

## NON-DISCRIMINATION CONTRACT PROVISIONS

1. EEO Policy Statement;
2. EEO Officer;
3. Dissemination of Policy;
4. Recruitment;
5. Personnel Actions;
6. Training and Promotion;
7. Unions;
8. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment, and
9. Records and Reports.

# 1. EEO POLICY STATEMENT

The contractor will accept the following statement as it's operating policy:

“It is the policy of this Company to assure that applicants are employed, and that employees are treated fair during employment, **without** regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.”



## 2. EEO OFFICER

**The contractor will designate and make known to the AA Staff it's EEO Officer. The EEO Officer will have the authority to:**

- 👍 Implement the Contractor's EEO policy and procedures;
- 👍 Disseminate EEO policies and contractual responsibilities;
- 👍 Conduct periodic meetings with supervisors, personnel office staff and employees to review and explain EEO policies;
- 👍 Provide new employee training for all new employees to include the contractor's EEO obligations;
- 👍 Instruct personnel who engage in direct recruitment of EEO requirements, obligations and goals;
- 👍 Ensure required notices and posters are displayed.

# 3. DISSEMINATION OF POLICY

All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who are substantially involved in such action(s) will:

1. Know and fully adhere to/implement the contractor's contractual obligations/EEO Policy in all employment actions;
2. Attend EEO meetings prior to start of work and not less often than once every six months;
3. Receive indoctrination from EEO Officer within 30 days;
4. Receive instruction on locating/hiring minority applicants;
5. Ensure posting of contractor's EEO Policy;
6. Bring the contractor's EEO Policy to the attention of employees by means of meetings, employee handbooks or other means.

# 4. RECRUITMENT

- Advertisements will be placed in publications having a large circulation among minority and female groups.
- Advertisements will include the notation “An Equal Opportunity Employer.” (Do not use initials (EOE) in lieu of the notation).
- Systematic and direct recruitment will likely be conducted through public and private employee referral sources to yield qualified minority and female applicants.
- Identify sources that will refer minority and female applicants directly to the contractor for employment consideration will be identified and referral procedures established.
- Encourage present employees to refer minority and female applicants.

# 5. PERSONNEL ACTIONS

Wages, working conditions, and employment benefits **shall** be without regard to race, color, religion, sex, national origin, age or disability:

1. Contractor will conduct periodic inspections.
2. Contractor will periodically evaluate wages.
3. Contractor will review personnel actions.
4. Contractor will promptly investigate all complaints of alleged discrimination.

# 6. TRAINING AND PROMOTION

The contractor will assist in locating, qualifying, and increasing the skills of minorities and female employees and applicants.

1. Use Apprenticeship and On-The-Job Training. This is in addition to contracts with Training Special Provisions.
2. Advise employees/applicants of program availability and entrance requirements.
3. Annually review and document training and promotional potential of minority and female employees and encourage eligible employees to apply for training and promotion.

# 7. UNIONS

**The contractor will use best efforts to obtain union cooperation to increase opportunities of minorities and females within the union.**

1. Establish joint training programs.
2. Incorporate EEO clause into union agreements.
3. Obtain union referral practices/policies.
4. When union is unable to provide a reasonable flow of minority and female applicants, take independent action to fill employment vacancies in accordance with EEO Policy.

# 8. SUBCONTRACTORS AND SUPPLIERS

The contractor **shall** not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection of subcontractors, including procurement of materials and leases of equipment.

1. Contractors will notify all subcontractors/suppliers of the contractor's EEO Policy & EEO contract requirements.
2. DBE's will have equal opportunity to compete.
3. Contractor will use best efforts to ensure subcontractor compliance with EEO obligations.

# 9. RECORDS

The contractor **shall** keep such records as necessary to document EEO compliance

1. Retained 3 years have available for inspection, unless being reviewed or involved in corrective action – records will be kept until review/action is completed.
2. **Shall** document:
  - ✓ # of minority and non-minority group members and females employed in each work classification;
  - ✓ Progress/efforts made with unions (if applicable);
  - ✓ Progress/efforts made in locating, hiring, training, qualifying, and upgrading minority/female employees;
  - ✓ The progress/efforts being made in securing the service of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.



# 10. FORM FHWA 1391 REPORTS

Contractors and subcontractors will submit an annual report Form FHWA 1391 for the duration of the project.

1. FHWA Form 1391 will be submitted by email for all contracts during the specified week of July, A form must be submitted for all contracts listed on the letter.
2. If there is no work activity performed during the specified week of July, a form FHWA 1391 must still be submitted.
3. If contract includes Training Special Provisions, contractor will collect and report training data.
4. FHWA Form 1391 will be requested/submitted for all Contract Compliance Reviews.

# 11. NON-SEGREGATED FACILITIES

- ✓ By submission of the bid, the company certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments.
- ✓ The company does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained.
- ✓ Contractor is required to post this notice on bulletin boards.
- ✓ This requirement is included also in subcontracts.
- ✓ The contractor has obtained and will keep on file identical certification from proposed subcontractors or material suppliers.

*Per Section 22(a) of the Federal-Aid Highway Act of 1968*

- ☐ TDOT will take the necessary Administrative Actions and will initiate appropriate legal proceedings under any applicable State and Federal law to achieve EEO on Federal-Aid Construction Projects.
  
- ☐ Notification of any enforcement proceedings will be reported to FHWA.

# POST TRAINING ASSESSMENT

1. In order to fully meet the requirements of this training the post training assessment form must be completed.
2. Please open the post assessment in Word, after completion, email the document as an attachment to [AA.CC@TN.GOV](mailto:AA.CC@TN.GOV). Please submit the assessment on or before March 31, 2015, in order to receive a Certificate of Completion.
3. Clicking on this icon below will direct you to the post training assessment.

The image shows a thumbnail of the 'EEO Post Training Assessment - Post Assessment 2011' form. The form includes a header with the EEO logo and title. Below the header, there are fields for 'Company Name', 'EEO Officer Name', 'EEO Officer Email Address', and 'Telephone Number'. The main body of the form consists of a table with two columns, 'A' and 'B', and multiple rows of assessment questions. The questions cover topics such as EEO compliance, record-keeping, employee responsibility, and affirmative action. Each row has a 'True' or 'False' column for the answer.

**ANY QUESTIONS SHOULD BE ADDRESSED TO:**

**AFFIRMATIVE ACTION PROGRAM**

**505 Deaderick Street**

**James K. Polk Building**

**SUITE 1800**

**615.741.5996**

**Email Address: AA.CC@TN.gov**

# THANK YOU